

SUZANNE A. LUBAN
Attorney at Law
State Bar No.: 120629
3758 Grand Ave. #4
Oakland, California 94610
Telephone 510/832-3555

Attorney for Defendant/Movant
JAMES ROY BARON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	D.C. No. Cr. 96-190-JAM/GGH
Plaintiff,)	
vs.)	REQUEST FOR LEAVE TO PROCEED
)	IN FORMA PAUPERIS AND FOR
JAMES ROY BARRON,)	APPOINTMENT OF COUNSEL
Defendant/Movant.)	ON APPEAL, and ORDER

Movant JAMES ROY BARRON, movant in the above-entitled action, has filed a notice of appeal from the decision by the Honorable John A. Mendez, United States District Judge for the Eastern District of California filed on October 23, 2008 denying Movant's Second Amended §2255 Motion. Movant is a prisoner serving a life sentence at USP Atwater, in Atwater, California. He has been in custody since his arrest in 1996. He owns no property or assets. Movant has been proceeding in forma pauperis and represented by counsel in the district court proceedings herein. Accordingly, movant hereby requests this Court to grant leave to proceed in forma pauperis on appeal and to appoint counsel for this appeal. The undersigned counsel, who represented Movant in the district court habeas proceedings, is willing to accept the appointment.

DATED: October 24, 2008

Respectfully submitted,

/S/ Suzanne A/ Luban
SUZANNE A. LUBAN
Counsel for Movant

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3 For Good Cause Shown, IT IS HEREBY ORDERED that Movant is granted leave to
4 proceed in forma pauperis on appeal of the denial of the §2255 Motion, and Suzanne A. Luban,
5 Attorney At Law, is hereby appointed pursuant to the Criminal Justice Act to represent movant
6 for this appeal.

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8 Dated: November 4, 2008

9 /s/ John A. Mendez
10 HON. JOHN A. MENDEZ
11 United States District Judge
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